

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

3:18-cv-05929-BHS-JRC

William Martin

(Name of Plaintiff)

vs.

SECOND AMENDED
CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

J. Uttecht

S. Bolinger

J. Wonders

S. Nissen

J. Cruger

(Names of Defendant(s))

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner?:

☐ Yes

☒ No

B. If your answer to A is yes, how many?: _____. Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: _____

Defendants: _____

2. Court (give name of District): _____

3. Docket Number: _____

4. Name of judge to whom case was assigned: _____

5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: _____

A. Is there a prisoner grievance procedure available at this institution? ☒ Yes ☐ No

B. Have you filed any grievances concerning the *facts* relating to this complaint?
☒ Yes ☐ No

If your answer is NO, explain why not:

C. Is the grievance process completed? ☒ Yes ☐ No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

III. Parties to this Complaint

A. Name of Plaintiff: William Martin Inmate No.: 401212

Address: Monroe Correctional Complex P.O. Box 777

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant: Jeff Uttecht Official Position: Superintendent

Place of employment: Coyote Ridge Corrections Center

C. Additional defendants Steven Bolinger, Jerry Wonders, Shawna Nissen
and Joshua Cruger

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

SEE ATTACHED

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

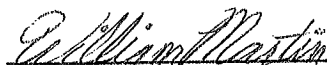
STATEMENT OF CLAIM

On or about the end of July, the beginning of August, Correctional Officers 'Jerry Wonders', and 'Sawna Nissen' began targeting and campaigning me for harrasment. The harassment came in the forms of both verbal and physical. In one of the first most damaging emotional encounters with these two officers, C/O Wonders instructed C/O Nissen to, "Search this queer because 'it' will probably call PREA". I was subjected to a unprofessional search where I was groped by C/O Nissen. C/O Wonders stated after this search, "Every time I see you expect to be touched faggot". C/O Wonders stated to C/O Nissen that I am probably a trouble maker and he can get away with the searches. I reported this encounter and the comments to my counselor, and subsequently grieved this incident. This grievance was turned over to the PREA coordinator to be investigated as potential PREA. C/O Wonders, and C/O Nissen were instructed to have other officers search me as their was a on going investigation per policy. This directive was ignored. On September the 6th of 2018 I was again targeted for my sexual orientation, (Which for the matter of record identify as transgender). C/O Wonders proceeded to excessively grope my breasts, and linger on my buttocks. He stated, "Your kind should be in Purdy, not in a men's prison teasing us men." I reported this in yet another grievance which was also given a PREA investigation. The two PREA investigations on these two officers was later found unsubstantiated. Both of these defendants showed Malice which is a violation of my 8th amendment right, along with Discrimination which is a violation of my 14th amendment right, and finally the officers also showed Misconduct which violates my 8th, 1st, and 14th amendment rights. On 10/12/18 I was infracted for a WAC violation 549 by Stephen Bollinger (PREA Compliance Specialist) for allegedly lying on a PREA investigation. This WAC violation was approved by Superintendant Jeff Uttecht. Superintendant Jeff Uttecht was in charge of this PREA Investigation. and should have followed policy pertaining to a ongoing PREA investigation. C/O Wonders was not only allowed to continue his searches and harassment but encouraged by Superintendant Uttecht. Both of these additional defendants are in violation of Discrimination, Malice, Deliberate Indifference, and Misconduct. These are violations of my 8th, 1st, and 14th amendment rights. Joshua Cruger who is the hearings officer at the Coyote Ridge Correctional Complex where these Violations took place completely disregarded policy in my infraction hearings finding me not only guilty on WAC violation 549 but other infractions as well. On every infraction heard this hearing officer stated before the hearing, "You should learn being gay doesn't pay". Than this officer would go on the record, and his misconduct, and discrimination would be manifested in every finding of not only my guilt, but in the maximum allowed sanctions always imposed which is excessive and only reserved for habitual offenders of the same type of violations, which I was not. This hearing officer violated my 14 and 8th amendment rights. I would like it noted on the record I later challenged WAC violation 549 that was approved by the Superintendant, written by Mr. Bollinger, and heard by Mr. Cruger and the finding of lying in a PREA investigation was overturned, adding not only merit but validity to my claims.

I am asking the court to validate my claim, find merit, and appoint counsel in this matter. Further I am seeking financial compensation for mental anguish, undue hardships and abuse sustained by defendants herein named

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5th day of April 2019



(Signature of Plaintiff)

Case No. 3:18-cv-05929-BHS-JRC****AMENDED** LIST OF NAMES AND ADDRESSES OF DEFENDANT(S)**

Each defendant, named in the AMENDED Complaint, must be listed below (with exact spelling) with their service address.

	DEFENDANT(S) NAME:	SERVICE ADDRESS:
1	Jeff Uttecht Superintendent	Coyote Ridge Correctional Center P.O. Box 769 Connell, WA. 99326
2	Stephen Bollinger PREA Coordinator	Coyote Ridge Correctional Center P.O. Box 769 Connell, WA. 99326
3	Jerry Wonders Corrections Officer	Coyote Ridge Correctional Center P.O. Box 769 Connell, WA. 99326
4	Shawna Nissen Corrections Officer	Coyote Ridge Correctional Center P.O. Box 769 Connell, WA. 99326
5	Joshua Cruger Hearings Officer	Coyote Ridge Correctional Center P.O. Box 769 Connell, WA. 99326
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Revision Date: 12/12/2016

INSTRUCTIONS FOR PRISONERS SEEKING TO FILE A CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

You must comply with the following instructions before the Clerk will file your Complaint

Local Rule CR 103, Local Rules for the Western District of Washington, requires you to submit your Complaint on the form furnished by the Court (a § 1983 form is attached). The clerk will upload the complaint to the docket and make copies of it for service upon the defendant(s). Plaintiff should keep a copy of the complaint for his or her own records; the clerk will not routinely return a copy of the complaint to plaintiff.

You must submit either the full \$400.00 filing fee or a completed *in forma pauperis* application, including a certified copy of your prisoner account. Carefully read the information sheet for prisoners seeking leave to proceed *in forma pauperis* (without prepayment of the entire filing fee).

You may bring your Complaint to the United States District Court for the Western District of Washington only if one or more of the named defendants is located within this district, or if your claim arose from this district. If you have more than one claim, you must file a separate complaint for each claim unless they are related to the same incident or issue.

Your Complaint must be legibly handwritten or typed. **NOTE: DO NOT WRITE ON THE BACK OF ANY OF THE PAGES OF THE COMPLAINT;** any writing on the back of any page might not be considered by the Court. You must sign the Complaint and declare under penalty of perjury that the facts stated in the Complaint are correct. If you need additional space to answer a question, you should attach an additional page.

You are required to state facts in support of each claim. The Complaint should refer to the provision of the federal constitution or federal law on which you are relying. **THE COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

You must keep the Clerk of the Court informed of any change of address. If you fail to do so, the Clerk cannot be responsible for your failure to receive Court Orders. This also could result in the dismissal of your suit.

If your claim arose in King, Snohomish, Skagit, Whatcom or Island Counties, mail your completed forms, the originals and all copies to:

Clerk, U.S. District Court
700 Stewart Street, Suite 2310
Seattle WA 98101-1271

If your claim arose in any other county in the Western District of Washington, mail your completed forms, the originals and all copies to:

Clerk, U.S. District Court
1717 Pacific Ave, Room 3100
Tacoma WA 98402

NOTE: If you are housed at a Department of Corrections facility subject to the Prisoner Electronic Filing Initiative pursuant to General Orders 02-15 and 06-16, you may fulfill this mailing requirement by submitting your documents to the appropriate person at your facility who will transmit your documents electronically to the U.S. District Court. Your facility will receive any documents filed in your case electronically on your behalf.